UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

| In re: | § § | Case No. 23-51742-cag |
|------------------------------------|--------|------------------------|
| CINCH WIRELINE SERVICES, LLC | | |
| Debtor | § | Chapter 7 |
| | § | |
| JOHN PATRICK LOWE, CHAPTER 7 | § | |
| TRUSTEE FOR CINCH WIRELINE | 8 8 | |
| SERVICES, LLC | § | |
| Plaintiff | § | |
| | § § | Adversary 24-05011-cag |
| V. | § | |
| | § | |
| CINCH ENERGY SERVICES, LLC; | § | |
| CINCH INVESTMENT HOLDINGS, LLC; | § | |
| CES GROUP HOLDINGS, LLC; HOOK N | § | |
| BULL PROPERTIES, LLC; LOS CABOS | § | |
| RANCH, LLC; FTS RANCH, LLC; FTSJR | § | |
| HOLDINGS, LLC; WFO HOMES, LLC; | § | |
| TEXAS COAST BUILDERS, LLC; 17 | § | |
| MAIN, LLC; GRANDER HOLDINGS, | § | |
| LLC; WFO, LLC; PONDER RANCH, | § | |
| LLC; BL EQUITY HOLDINGS, | § | |
| LLC; OCEAN FLOOR HOLDINGS, LLC; | § | |
| FRANK THOMAS SHUMATE; MARK | § | |
| LOPEZ; LORETTA L. HIGGINS; | § | |
| TIMOTHY GAINES POLLARD; JERRY | § | |
| MILLER and such other yet unknown | § | |
| Defendants ("JOHN DOE DEFENDANTS") | § § | |
| Defendants | § | |
| | § | |

WITNESS AND EXHIBIT LIST OF JOHN PATRICK LOWE, CHAPTER 7 TRUSTEE

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

NOW COMES John Patrick Lowe, Trustee ("<u>Trustee</u>"), the duly appointed and acting Chapter 7 Trustee in the above-captioned bankruptcy case, and hereby files its Witness and Exhibit List to be used in connection with the Wednesday, August 14, 2024, hearing on Trustee's Motion to Enforce Subpoena Duces Tecum to David Arnold and D.E. Web Works, LLC (Dkt#192). Trustee may call the following witnesses and offer the following exhibits:

LIST OF WITNESSES

- 1. David Arnold
- 2. Any witness called by any other creditor, any other party in interest that may appear and seek to be heard at the hearing, and any rebuttal witness as may be required.
- 3. Any rebuttal witnesses necessary.

LIST OF EXHIBITS

| Ex.# | Description | Offered | Objection | Admitted/ Not Admitted | Disposition |
|------|---|---------|-----------|------------------------------|-------------|
| 1. | Subpoena Duces Tecum to David Arnold with the Declaration of Mailing [Judicial Notice #192-Exhibit A] | | | | |
| 2. | Subpoena Duces Tecum to D.E. Web Works with the Declaration of Mailing [Judicial Notice #192-Exhibit B] | | | | |
| 3. | D.E. Web Works Invoice [Judicial Notice #192-Exhibit C] | | | | |
| 4. | David Arnold Email Chain [Judicial Notice #192-Exhibit D] | | | | |
| 5. | LOR/Litigation Hold Letter directed to D.E. Web Works and David Arnold [Judicial Notice #192-Exhibit E] | | | | |
| 6. | Transcript excerpt from Rule 2004 Examination of Brian Birdwell | | | | |
| 7. | Transcript excerpt from Rule 2004 Examination of Michael Mixon | | | | |
| | Any exhibit identified, introduced, designated or relied upon by any other party. | | | | |
| | Any exhibits necessary for rebuttal or impeachment purposes. | | | | |

The Trustee reserves the right to amend this Exhibit List and to introduce other exhibits as may be necessary for impeachment purposes. The Trustee also reserves the right to introduce exhibits designated by opposing counsel.

| Dated: August 9, 2024 | |
|-----------------------|-------------------------|
| | Respectfully submitted, |
| | |
| | /s/ Butch Boyd |
| | Butch Boyd |

State Bar No. 00783694 Butch Boyd Law Firm, P.C. 2905 Sackett Street Houston, TX 77098 Phone: (713) 589-8477

Fax: (713)589-8563

Email: <u>butchboyd@butchboydlawfirm.com</u> copy to: <u>katrinaboyd@butchboydlawfirm.com</u>

/s/ Shelby A. Jordan

Shelby A. Jordan

St. Bar No. 11016700; S.D. No. 2195

Antonio Ortiz

St. Bar No. 24074839; SD. No. 1127322

JORDAN& ORTIZ, P.C.

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aortiz@jhwclaw.com

copy to: cmadden@jhwclaw.com

SPECIAL COUNSEL FOR JOHN PATRICK LOWE, CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Witness and Exhibit List was served to the below by the CM/ECF system or by electronic mail on August 9, 2024:

representing

representing

representing

Butch Boyd

Butch Boyd Law Firm, P.C. 2905 Sackett Street

Houston, TX 77098

713-589-8477 713-589-8563 (fax)

butchboyd@butchboydlawfirm.com

Assigned: 07/18/2024

John Patrick Lowe, Chapter 7 Trustee for Cinch Wireline

representing Services, LLC

(Plaintiff)

Gabi S Canales

Canales Law Office 5262 S Staples St.

Suite 100

Corpus Christi, TX 78411

361-887-4700

361-887-4761 (fax)

gabilaw14@gmail.com

Assigned: 05/14/2024

Michael Mendietta

(Interested Party)

Mitchell Clark

Law Offices of J. Mitchell Clark

719 S. Shoreline Boulevard

Corpus Christi, TX 78401

361-882-1612

361-882-3015 (fax)

mitchell@hilliard-law.com

Assigned: 07/22/2024

Justin Sprencel

(Interested Party)

Jason Alexander Enright

Winstead PC

500 Winstead Building

2728 N. Harwood Street

Dallas, TX 75201

214-745-5844

214-745-5390 (fax)

jenright@winstead.com

Assigned: 07/25/2024

Simmons Bank

(Interested Party)

Richard L. Fugua

Fuqua & Associates, PC

8558 Katy Freeway

Suite 119

Loretta L. Higgins

24030 Tirso River Court

24030 TH30 River Court

Katy, TX 77493

(Defendant)

representing

representing

representing

representing

77024 Houston, TX 77024 713-960-0277 713-960-1064 (fax) fuqua@fuqualegal.com Assigned: 05/28/2024

R. Javier Guerra

Ray Pena McChristian, PC 9601 McAllister Freeway, Suite 901 San Antonio, TX 78216 (210) 775-3554 (210) 341-3557 (fax) jguerra@raylaw.com Assigned: 05/20/2024

Jerry Miller

137 W. Chandler Road Sarita, TX 78385 (Defendant)

Aaron Matthew Guerrero

Bond Ellis Eppich Schafer Jones LLP 950 Echo Lane Suite 120 Houston, TX 77024 713-335-4838 832-740-1411 (fax) aaron.guerrero@bondsellis.com *Assigned: 04/26/2024*

17 Main, LLC

c/o Daniel Namvar, Registered Agent 9135 Hillsboro Dr Los Angeles, CA 90034 (Defendant)

Charles A. Newton

Newtons Law 190 N. Millport Circle The Woodlands, TX 77382 281-681-1170 281-901-5631 (fax) chuck@newtons.law Assigned: 05/02/2024

Mark Lopez

52 County Road 2011 Edna, TX 77957 (Defendant)

Assigned: 05/13/2024

Los Cabos Ranch, LLC

c/o Paul S Kirklin, Registered

Agent

representing 12600 N. Featherwood Drive, Suite

225,

Houston, TX 77034

(Defendant)

Paul W. O'Finan

S M Chaudhry, Esq., Attorney at Law PLLC

representing

6118 King Trail

Corpus Christi, TX 78414

Frank Thomas Shumate

representing

representing

representing

14100 San Pedro Ave, Suite 210 San Antonio, TX 78232 (210) 646-9400 (210) 646-0038 (fax) paul@smcesq.com Assigned: 04/24/2024 TERMINATED: 06/27/2024

(Defendant)

Assigned: 05/08/2024

Assigned: 05/08/2024

Assigned: 05/08/2024

TERMINATED: 06/27/2024

Timothy Gaines Pollard

2200 County Road 413 McCoy, TX 78113 (Defendant)

WFO Homes, LLC

c/o Tim Pollard, Registered Agent 146 Motts Parkway Marion, TX 78124 (Defendant)

WFO, LLC

c/o Tim Pollard, Registered Agent 146 Motts Parkway Marion, TX 78124

(Defendant)

BL Equity Holdings, LLC

c/o A Registered Agent, Inc 8 The Green, Suite A

Dover, DE 19901

(Defendant)

CES Group Holdings, LLC

c/o Frank T. Shumate, Registered

Agent

2200 County Road 413 McCoy, TX 78113

(Defendant)

Cinch Energy Services, LLC

Mark Lopez, Registered Agent

1102 S. Second Ganado, TX 77962

(Defendant)

Cinch Investment Holdings, LLC

2200 County Road 413 McCoy, TX 78113

15518.1001. 00, 00, 101.

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(Defendant)

FTS Ranch, LLC

c/o Frank T Shumate Jr., Registered Agent 2200 County Road 413 McCoy, TX 78113 (Defendant)

FTSJR Holdings, LLC

c/o Frank T Shumate, Jr., Registered Agent 2200 County Road 413 McCoy, TX 78113 (Defendant)

Grander Holdings, LLC

c/o Frank T Shumate Jr., Registered Agent 2200 County Road 413 McCoy, TX 78113 (Defendant)

Hook N Bull Properties, LLC

c/o Frank T. Shumate, Jr. Registered Agent 2200 County Road 413 McCoy, TX 78113 (Defendant)

Ocean Floor Holdings, LLC

c/o A Registered Agent, Inc. 8 The Green, Suite A Dover, DE 19901 (Defendant)

Ponder Ranch, LLC

c/o Frank T Shumate Jr., Registered Agent 2200 County Road 413 McCoy, TX 78113 (Defendant)

Texas Coast Builders, LLC

c/o Frank T Shumate Jr., Registered Agent 2200 County Road 413 representing

McCoy, TX 78113 (Defendant)

Jameson Joseph Watts

Husch Blackwell LLP
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512-479-1101 (fax)
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Assigned: 06/03/2024

CES Group Holdings, LLC

c/o Frank T. Shumate, Registered Agent 2200 County Road 413 McCoy, TX 78113 (Defendant)

Cinch Energy Services, LLC Mark Lopez, Registered Agent 1102 S. Second Ganado, TX 77962 (Defendant)

Cinch Investment Holdings, LLC

2200 County Road 413 McCoy, TX 78113 (Defendant)

FTS Ranch, LLC

c/o Frank T Shumate Jr., Registered Agent 2200 County Road 413 McCoy, TX 78113 (Defendant)

FTSJR Holdings, LLC

c/o Frank T Shumate, Jr., Registered Agent 2200 County Road 413 McCoy, TX 78113 (Defendant)

Frank Thomas Shumate

6118 King Trail Corpus Christi, TX 78414 (Defendant)

Grander Holdings, LLC

c/o Frank T Shumate Jr., Registered Agent 2200 County Road 413

McCoy, TX 78113 (Defendant)

Hook N Bull Properties, LLC

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Texas Coast Builders, LLC

c/o Frank T Shumate Jr., Registered Agent 2200 County Road 413 McCoy, TX 78113 (Defendant)

WFO Homes, LLC

c/o Tim Pollard, Registered Agent 146 Motts Parkway Marion, TX 78124 (Defendant)

/s/ Butch Boyd Butch Boyd